

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**SARAH MOLINA, *et al.***

**Plaintiffs,**

**v.**

**CITY OF ST. LOUIS *et al.*,**

**Defendants.**

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**Case No. 4:17-cv-2498-AGF**

**DEFENDANTS’ MOTION TO STAY PENDING INTERLOCUTORY APPEAL**

COME NOW Defendants City of St. Louis (“City”), Daniel Book, Joseph Busso, Lance Coats, Stephen Dodge, Joseph Mader, Michael Mayo, Mark Seper, and William Wethington (collectively “Defendants”), by and through their attorney Andrew Wheaton, Associate City Counselor for the City of St. Louis, and for Defendants’ Motion to Stay Pending Interlocutory Appeal state as follows:

1. On April 8, 2021, Defendant Officers Daniel Book, Joseph Busso, Lance Coats, Stephen Dodge, Joseph Mader, Michael Mayo, Mark Seper, and William Wethington filed their Notice of Appeal to the United States Court of Appeals for the Eighth Circuit from the Order entered in this action on the 31st day of March, 2021. (Doc. 201). The Order denied in part the Defendant Officers’ Motion for Summary Judgment brought on qualified immunity grounds.

2. The Eighth Circuit has directed that “[a] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously” *Johnson v. Hay*, 931 F.2d 456, 459 n.2 (8th Cir. 1991) (quoting *United States v. Ledbetter*, 882 F.2d 1345, 1347 (8th Cir. 1989)). Particularly where qualified

immunity is at issue on interlocutory appeal, the district court should “stay its hand” and “not act further” because jurisdiction is vested in Eighth Circuit Court of Appeals. *Id.*

3. Defendants therefore respectfully request that this Court enter an order staying this case pending resolution of the Defendant Officers’ interlocutory appeal.

WHEREFORE, for all of the reasons set forth above, Defendants respectfully that the Court issue an order staying this case pending resolution of the Defendant Officers’ interlocutory appeal.

Respectfully submitted,

/s/ Andrew D. Wheaton  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2021, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court’s electronic filing system.

/s/ Andrew D. Wheaton